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c 279 Police Act

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CHAPTER 279

The Police Act

1.—(1) In this Act,

Interpretation.

(a) "association" means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of a police force;

(b) "board" means board of commissioners of police;

(c) "Commissioner" means Commissioner of Police for Ontario;

(d) "regulations" means regulations made under this Act.

(2) Every improvement district shall for the purposes of this Act be deemed to be a township municipality unless it is otherwise designated by the Ontario Municipal Board. 1949, c. 72, s. 1.

Act applies to improvement districts.

PART I

DIVISION OF RESPONSIBILITY

2.—(1) Every city and town shall be responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality.

Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part thereof, as the case may be, be responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof.

in villages and townships.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney-General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province, the Lieutenant-Governor in Council

Special circumstances.

may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 51. 1949, c. 72, s. 2.

Responsi-
bility of
Ontario
Provincial
Police
Force.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario that is not within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a municipal police force is maintained.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,

Rev. Stat.,
cc. 211, 210.

(a) maintain a traffic patrol on the King's Highway;

(b) subject to any agreement in force under *The Liquor Licence Act*, enforce the provisions of *The Liquor Licence Act*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney-General; and

(c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Attorney-General or at the request of the Crown attorney. 1949, c. 72, s. 3.

Failure
to provide
police.

4. Where the Commissioner reports to the Attorney-General that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 50 or 51, the Attorney-General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1949, c. 72, s. 4.

Non-com-
pliance with
regulations.

5.—(1) Where the Commissioner reports to the Attorney-General that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, the Attorney-General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith.

Action by
Attorney-
General.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney-General may take

such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1949, c. 72, s. 5.

6. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 51 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty. 1949, c. 72, s. 6.

Where company fails to enter into agreement.

PART II

MUNICIPAL POLICE FORCES

7.—(1) Notwithstanding any special Act, every city shall have a board and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board.

Constitution of boards.

(2) The board, except as provided in subsection 3, shall consist of,

Board, how composed.

- (a) the head of the council;
- (b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and
- (c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

(3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney-General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment, unless the Lieutenant-Governor in Council sooner appoints another member.

Vacancies.

(4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant-Governor in Council or appointed by the

Remuneration.

Attorney-General and may provide for the payment of an allowance to the head of the council. 1949, c. 72, s. 7.

Meetings.

8.—(1) The board shall in each year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman.

Quorum.

(2) A majority of the members of the board shall constitute a quorum.

Meetings open to public.

(3) The meetings of the board shall be open to the public unless otherwise directed by the board. 1949, c. 72, s. 8.

Repeal of by-law.

9. The by-law of a village, township, county or town constituting a board may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1949, c. 72, s. 9.

By-law.

10.—(1) A by-law of the board shall be sufficiently authenticated if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts without proof of the signature.

Certified copy of by-law.

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1949, c. 72, s. 10.

Board to summon witnesses.

11. The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. 1949, c. 72, s. 11.

Police force.

12. The police force in a municipality having a board shall consist of a chief constable and as many constables and other police officers and such assistants as the council may deem necessary, but not fewer than the board reports to be required. 1949, c. 72, s. 12.

Term of office.

13. The members of the police force in a municipality having a board shall be appointed by and hold office during the pleasure of the board. 1949, c. 72, s. 13.

Regulations by board.

14. Subject to the approval of the Lieutenant-Governor in Council, any board may by by-law make regulations not inconsistent with regulations under section 60 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1949, c. 72, s. 14.

15.—(1) Notwithstanding the provisions of section 2, the board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful direction. Police force subject to board.

(2) Every member of the police force for the municipality, however appointed, shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. 1949, c. 72, s. 15. Members of police force to be subject to board.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition. Sale of stolen and abandoned property in possession of police.

(2) Where such property is perishable, the sale or disposition of the same may be made at any time without notice of any kind, and where such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold. Procedure for sale.

(3) This section shall be subject to *The Highway Traffic Act*. 1949, c. 72, s. 16. Rev. Stat., c. 167 not affected.

17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the force. 1949, c. 72, s. 17. Submission of estimates to council.

APPOINTMENT BY MUNICIPAL COUNCIL

18.—(1) The council of every town, village, county or township, not having a board, may establish a police force consisting of one or more constables or other police officers appointed by the council. Municipalities, where no board.

(2) Where the police force has two or more members, the council may appoint one member to be chief constable. 1949, c. 72, s. 18. Chief constable.

Police
villages.

19.—(1) The trustees of a police village may establish a police force consisting of one or more constables appointed by the trustees.

Salary.

(2) Every member of the police force may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
to belong
to village.

(3) Where a member of the police force is paid by salary, the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the members of the police force. 1949, c. 72, s. 19.

Cost of
policing
by levy.

20.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 50 or 51 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption
of farm
lands and
buildings

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost. 1949, c. 72, s. 20.

Salary and
remunera-
tion.

21. The council by which a member of a police force is appointed may provide for the payment to him of such salary or remuneration as the council may determine. 1949, c. 72, s. 21.

Fees of
salaried
police officer.

22. The council may agree with a salaried member of the police force appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the municipality. 1949, c. 72, s. 22.

Indemni-
fying police
officers.

23.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered.

In munic-
ipality
having
board.

(2) In a municipality having a board such sum shall be paid only where the board certifies that the case is a proper one for such payment or indemnity. 1949, c. 72, s. 23.

24. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1949, c. 72, s. 24. Aid to widows and children in certain cases.

25. Where there is no board, any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. 1949, c. 72, s. 25. Power of suspension.

BARGAINING AND ARBITRATION

26. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. 1949, c. 72, s. 26. Membership in trade union forbidden.

27.—(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council under this Act. 1949, c. 72, s. 27 (1); 1950, c. 54, s. 1 (1). Bargaining.

(2) Where not less than 50 per cent of the full-time members of the police force belong to an association, any request made under subsection 1 shall be made by the association. Association.

(3) In every case the members of a bargaining committee shall be full-time members of the police force, but where, Affiliated body.

(a) the association is affiliated with any police organization; or

(b) not less than 50 per cent of the full-time members of the police force belong to any police organization,

at all meetings held with the council of the municipality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. 1949, c. 72, s. 27, (2, 3).

Pension
plans under
Rev. Stat.,
c. 243.

(4) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. 1950, c. 54, s. 1 (2).

Board of
arbitration.

28.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney-General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member.

Decision
of board of
arbitration.

(4) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1949, c. 72, s. 28.

Reference to
Attorney-
General.

29.—(1) In the case of a police force having less than five members, where after bargaining under section 27, the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney-General.

(2) Where a matter is referred to the Attorney-General under subsection 1, the Attorney-General may cause such inquiry to be made as he deems necessary and shall report his findings to the parties. Inquiry and report.

(3) The Attorney-General may cause the report of his findings to be published in such manner as he may deem advisable. 1949, c. 72, s. 29. Publication or report.

30.—(1) Every agreement made under section 27 and every decision or award of a majority of the members of the board of arbitration under section 28 shall be binding upon the council of the municipality, the board, where there is a board, and the full-time members of the police force. 1949, c. 72, s. 30 (1). Effect of agreement or award.

(2) Every agreement, decision or award shall remain in effect until the end of the year in which it comes into effect and thereafter shall remain in effect until replaced by a new agreement, decision or award. Duration of agreements, etc.

(3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 27, 28 and 29 at any time for a new agreement, decision or award. 1950, c. 54, s. 2. New agreements, etc.

31.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof. Effect of agreement, decision or award.

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award is to have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period. 1949, c. 72, s. 31. Idem.

32. Where a request in writing is made under subsection 1 of section 27 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. 1949, c. 72, s. 32 (1). Provision for expenditure involved in request.

PART III

PROVINCIAL SUBSIDIES FOR MUNICIPAL POLICE FORCES

Interpreta-
tion.

33. In this Part,

- (a) "member" means member of a police force;
- (b) "police force" means a police force within the meaning of Part II maintained by a city or town or by a village or township for the purpose of discharging its responsibility under subsection 2 of section 2;
- (c) "population" means population ascertained from the last revised assessment roll. 1949, c. 72, s. 33.

Grants in
aid.

34.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the cost of the police force for the year preceding the year in which the grant is made,

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent.

Parts of
villages
and town-
ships.

(2) Where a part of a village or township has a density of population and a real property assessment sufficient to warrant the maintenance of a police force and the part has been so designated by the Lieutenant-Governor in Council under subsection 2 of section 2, the population of the part or, where there is more than one part in any village or township, the total population of the parts shall be deemed to be the population of the municipality for the purposes of this section. 1949, c. 72, s. 34.

Annual
cost,
how deter-
mined.

35.—(1) For the purposes of this Part the cost of the police force shall be the total of the amounts paid during the year by the municipality in respect of,

- (a) the services of the members;
- (b) uniforms, clothing allowances, arms and personal equipment for the members;

- (c) office supplies and equipment and clerical assistance;
 - (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board; Rev. Stat., c. 430.
 - (e) liability and fire insurance premiums; 1949, c. 72, s. 35 (1), cls. (a-e).
 - (f) contributions to any pension plan for the members; 1950, c. 54, s. 4 (1).
 - (g) membership in and expenses of representatives attending meetings of police associations or any police college or police school established under this Act; 1949, c. 72, s. 35 (1), cl. (g).
 - (h) communication systems, motor cars, trucks, patrol wagons, motor bicycles and other vehicles, bicycles and horses and equipment and the normal operation, maintenance and repair thereof; 1949, c. 72, s. 35 (1), cl. (h); 1950, c. 54, s. 4 (2).
 - (i) the normal operation and maintenance of premises or portions thereof used for police purposes;
 - (j) remuneration and allowances provided for in subsection 4 of section 7; 1950, c. 54, s. 4 (2).
 - (k) such matters and things as the Lieutenant-Governor in Council may prescribe. 1949, c. 72, s. 35 (1), cl. (i).
- (2) Where payment of any portion of the cost of the police force has been deferred to any subsequent year or where the money required to pay any portion of the cost of the police force has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid. 1949, c. 72, s. 35 (2). Interpretation.
- (3) Where a municipality provides police services in another municipality pursuant to an agreement made under section 50, Municipal policing agreements.
- (a) the municipality receiving the police services shall be deemed to have a police force and the payments made during the year under any such agreements shall be deemed to be part of the cost thereof;
 - (b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and
 - (c) the municipality receiving payment for the police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part. 1950, c. 54, s. 4 (3).

Provincial
policing
agreements.

(4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 51, the municipality shall be deemed to have a police force and the payments made during the year under any such agreement shall be deemed to be part of the cost thereof. 1950, c. 54, s. 4 (4).

Require-
ments for
payment.

36. No grant under section 34 shall be made,

- (a) unless all members of the police force are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the council of the municipality or the board is in default under Part II or under any agreement, decision or award made under the collective bargaining provisions of Part II; and
- (c) unless a pension plan established under any Act for the members is in force under which the municipality contributes an amount not less than five per cent of the amount of the salaries of the members participating in the plan. 1949, c. 72, s. 36 (1); 1950, c. 54, s. 5.

Treasurer's
statement.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 36 have been met; and
- (b) the cost of the police force for the preceding year together with such particulars thereof as the Department may request.

Certificate
as to
accuracy.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario.

Reference
to Ontario
Municipal
Board.

(3) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement, the council of the municipality, within 14 days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department. 1950, c. 54, s. 6.

PART IV

ONTARIO PROVINCIAL POLICE FORCE

38.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council.

Appoint-
ment of
Commis-
sioner of
Police.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and the employees connected therewith, and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all such officers and employees and the members of the Force shall be responsible to the Attorney-General. 1949, c. 72, s. 39 (1, 2).

Powers and
duties of
Commis-
sioner.

(3) The Commissioner or a Deputy Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*. 1949, c. 72, s. 39; 1950, c. 54, s. 8.

Investiga-
tions by
Commis-
sioner.

Rev. Stat.,
c. 308.

39.—(1) Unless otherwise provided by Order in Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed.

Commis-
sioner to be
ex officio
magistrate.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. 1949, c. 72, s. 40.

Exercise of
jurisdiction.

Rev. Stat.,
c. 219.

40.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such constables and other police officers as the Lieutenant-Governor in Council may appoint.

Ontario
Provincial
Police
Force.

(2) The Lieutenant-Governor in Council may appoint such employees as may be required in connection with the Force. 1949, c. 72, s. 41.

Employees.

Duties of
members of
Force.

41.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to this Act and the orders of the Commissioner,

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

Municipal
by-laws.

(2) Except under the provisions of an agreement entered into under section 51, the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. 1949, c. 72, s. 42.

Law En-
forcement
Fund.

42.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of Ontario or Canada, or of any regulation made thereunder shall be known as the Law Enforcement Fund and payments from the Fund shall be made under the direction of the Attorney-General to such persons and for such purposes as he may think proper, to be expended in such law enforcement, including the cost of the Ontario Provincial Police Force.

Payment
out of
Fund.

(2) The certificate or order of the Attorney-General that any sum of money is required to be paid out of the Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney-General whose approval of the account shall be final.

Expenses.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special

investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney-General, he shall be allowed such travelling, incidental and other expenses as the Attorney-General may approve and they shall be paid out of the Fund. 1949, c. 72, s. 43.

43.—(1) The Lieutenant-Governor in Council may provide for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge. Service badges.

(2) The money allowance shall be paid out of the Law Enforcement Fund and shall be deemed to be part of the salary of the member. 1949, c. 72, s. 44. Allowances.

PART V

GENERAL

44. Every chief constable, constable and other police officer, except a special constable or a by-law enforcement officer, shall have authority to act as a constable throughout Ontario. 1949, c. 72, s. 45. Constables empowered to act throughout Ontario.

45. The members of police forces appointed under Part II shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities that belong to constables. 1949, c. 72, s. 46. Duties and powers of members of police forces.

46.—(1) The Attorney-General may require the Commissioner or any other person to investigate, inquire into and report to the Attorney-General upon the conduct of any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality, and the police needs of any municipality, Investigation and report by Commissioner.

- (a) at the request of the council of any municipality, in which case the municipality, unless the Attorney-General otherwise directs, shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of investigator.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*.

Rev. Stat., c. 308.

Report to be communicated to council.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality. 1949, c. 72, s. 47.

Expenses of provincial police when payable by municipality.

47.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Attorney-General otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty.

Advances to provincial police in districts.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. 1949, c. 72, s. 48.

Municipality may request assistance of provincial police.

48.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary.

Expenses, how payable.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and, unless the Attorney-General otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1949, c. 72, s. 49.

Obligation of municipality to provide police force.

49. The obligation of a municipality to provide and maintain a police force may be discharged by entering into an agreement under section 50 or 51. 1949, c. 72, s. 50.

Municipal policing agreements.

50. The board, or if none, the council of any municipality may by agreement with the board, or if none, the coun-

cil of another municipality, provide that the services of the members of the police force of the first-mentioned municipality shall be available in the other municipality upon such terms and conditions as are set forth in the agreement. 1950, c. 54, s. 9.

51.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force.

Agreement for provincial police to police municipalities.

(2) In municipalities having a board no agreement shall be entered into under this section except at the request of the board.

No agreement except on request of board.

(3) No agreement shall be entered into under this section with a municipality at a cost which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act.

Rates of pay to be considered.

(4) Where an agreement has been entered into under subsection 1, the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Duties.

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund.

Moneys to be paid into Consolidated Revenue Fund.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services, such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. 1949, c. 72, s. 52.

Fines, etc.

52. Where pursuant to section 51 the Commissioner enters into an agreement with a municipality having a board, sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial

When board to act in advisory capacity.

Police Force in the municipality and to the Commissioner with respect to the policing of the municipality. 1949, c. 72, s. 53.

Oath.

53.—(1) Every person appointed to be a chief constable, constable or other police officer shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I,....., do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the.....of.....without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law. So help me God.

C.D.

Sworn, etc.

Disposition of oath.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. 1949, c. 72, s. 54.

Active militia, calling out.

54. The expenses of and incidental to the calling out of the active militia in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. 1949, c. 72, s. 55.

Policing building or area beyond boundaries of municipality.

55. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area. 1949, c. 72, s. 57.

Special constables.

56.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.

Notice of appointment.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which render it expedient shall be forthwith transmitted to the Commissioner.

Suspension or termination of services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of special constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 53. 1949, c. 72, s. 58.

57. The council of any municipality or the trustees of any police village may appoint one or more by-law enforcement officers who shall have the authority of a constable with respect to the enforcement of the by-laws of the municipality or police village, as the case may be. 1949, c. 72, s. 59.

58.—(1) Every person, including a member of a police force who, By-law enforcement officer.
Causing disaffection, etc.

- (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for a term of not more than one year, or both.

(2) No prosecution shall be instituted under this section without the consent of the Attorney-General. Consent of Attorney-General.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall, Disqualification and forfeiture of rights.

- (a) cease to be a member and shall not thereafter be appointed to any police force; and
- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under the scheme with interest at the rate payable under the scheme. 1949, c. 72, s. 60.

59. The Commissioner may establish, maintain and operate a central police college for the training of members of police forces and may provide for such regional police schools and travelling instructors as he may deem advisable. 1949, c. 72, s. 61. Police college and schools.

REGULATIONS

60.—(1) The Lieutenant-Governor in Council may make regulations, Regulations.

- (a) for the government of police forces and governing the conduct and duties of members of police forces;

- (b) prescribing the qualification and age limits of persons to be appointed to police forces;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney-General;
- (e) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment, or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing courses of training for members of police forces;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (j) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (k) prescribing the method of accounting for fees and costs and other money which comes into the hands of members of police forces;
- (l) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary;
- (m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations
may be
general or
particular.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. 1949, c. 72, s. 62.
